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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/899,334 | 07/05/2001 | Johan Ubbi | 1931/62303 | 2617 |

7590 12/03/2002

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EXAMINER

FIGUEROA, FELIX O

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2833 | |

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,334

Applicant(s)

UBBY ET AL.

Examiner

Felix O. Figueroa

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29,39,40 and 43-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29,39,40 and 43-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to because they have elements shown in cross section which are not properly crosshatched. Insulating members shown in cross section should be properly crosshatched. See for example member 12 in Figure 2A. It is brought to applicant's attention that the conventional crosshatch for insulating members shown in cross section consist of lines of two different thicknesses alternatively disposed.



Correction is required.

Claim Objections

Claim 40 is objected to because of the following informalities: in claim 40 line 5, "the connector" lacks antecedent basis. Appropriate correction is required.

Claim Rejections

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2833

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 7-11, 13, 14, 16-22, 24, 25, 27-29, 39, 40, 43, 44 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Kruppenbach et al. (US 3,923,121).

Kruppenbach discloses a monitoring cable comprising: a connector (52); a cable / plurality (two cables) of respective cables (12) including a plurality of individual wires (56) each extending substantially an entire length of the cable, the cable having a first end attached to the connector and a distal end; and a plurality of electrodes / electrode connectors (14) each connected to a respective one of the plurality of individual wires and positioned at various points along the cable.

Specifically on claims 19, 20, 39 and 40, please note that Kruppenbach teaches a plurality of cables, specifically two (sequentially connected with each other), having and end terminating at the connector (52 on left side of Fig.2).

Regarding claims 2, 11 and 22, Kruppenbach also discloses each of the plurality of individual wires comprising a single strand wire.

Regarding claims 4, 13 and 24, Kruppenbach teaches the electrodes are integrally formed in the cable (col. 3 line 39-41):

Regarding claims 5, 14 and 25, Kruppenbach also teaches resistive elements (80) positioned between a respective electrode and a respective one of the plurality of wires.

Regarding claims 7, 16 and 27, Kruppenbach shows the cable being substantially circular in cross section.

Regarding claims 8, 17 and 28, Kruppenbach inherently discloses the individual wires being electrically insulated from each other.

Regarding claims 9, 18 and 29, Kruppenbach also shows an interface connector (52) provided at one end of the cable and including a plurality of contact points connected to a respective one of the individual wires.

Claims 3, 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruppenbach in view of Hart et al. (US 3,325,765).

Kruppenbach discloses substantially the claimed invention except for the single strand wires instead of the multi-strand wires. Hart shows that a multi-strand wire is an equivalent structure known in the art for single strand wire. Therefore, because these two wires were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious the substitution of single strand wires for multi-strand wires to complete the electrical connection.

Claims 6, 15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruppenbach in view of Poon (US 5,601,448).

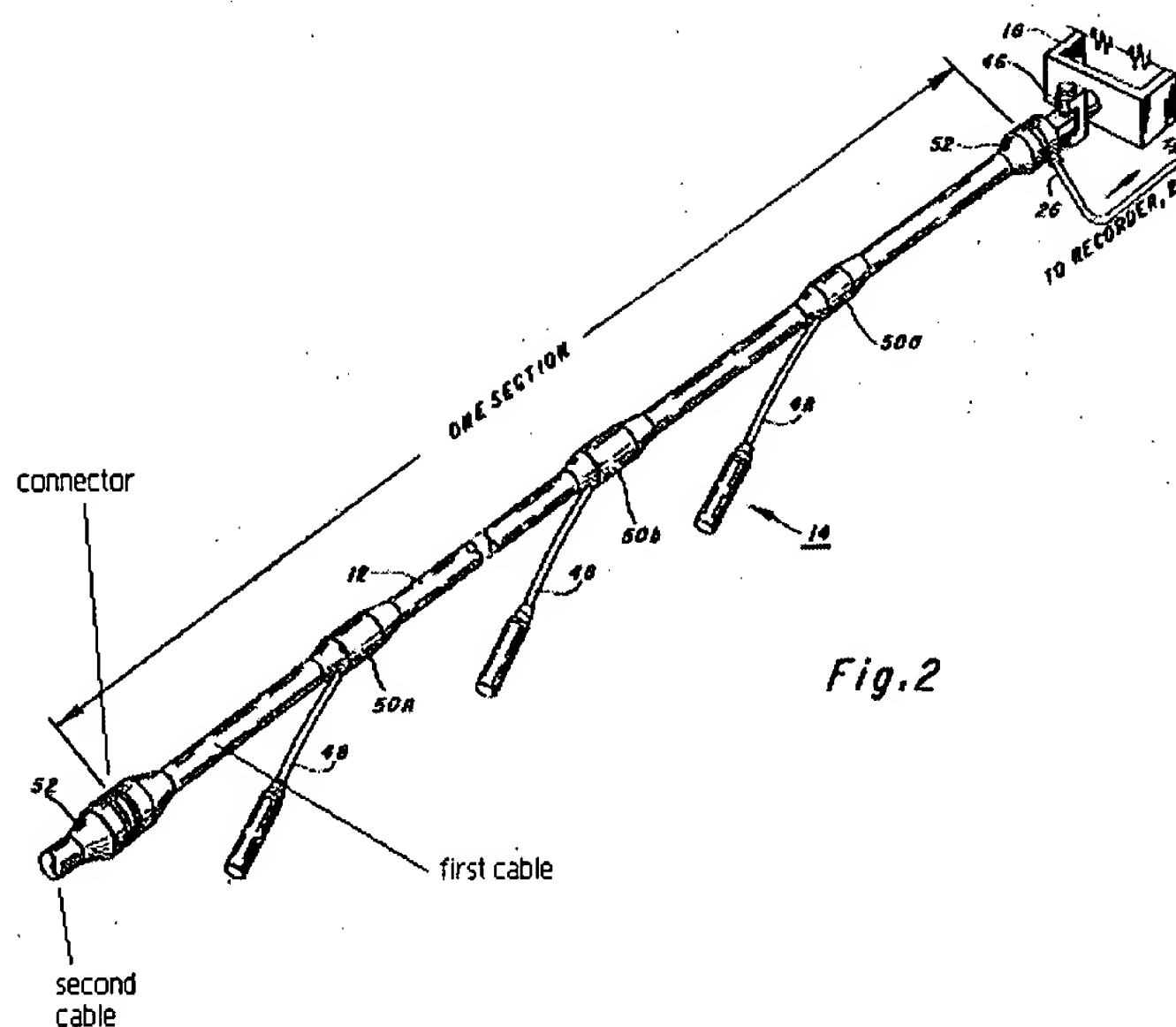
Kruppenbach discloses substantially the claimed invention except for a circular cable instead of flat cable. Poon shows that a flat ribbon cable is an equivalent structure known in the art for a circular cable. Therefore, because these two cables were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious the substitution of a circular cable for flat ribbon cable to carry the plurality of individual wires.

Response to Arguments

Applicant's arguments filed 09/16/02 have been fully considered but they are not persuasive.

In response to applicant's arguments that "the wires for the group of twelve [geophones] would not extend for substantially the entire length of the cable 12", please note that each "one section" also defines an entire cable, thus Kruppenbach shows the cable (12 / one section) having wires that extend for substantially the entire length of the cable.

In response to applicant's arguments that Kruppenbach does not show "a monitoring cable for connection to a monitoring equipment and a plurality of respective cables, each of the plurality of respective cables including a plurality of individual wires each extending substantially an entire length of the respective cable, each of the plurality of individual wires of each of the plurality of cables having an end terminating at the connector", it is first noted that a recitation of the intended use of the claimed invention (e.g. for connection to a monitoring equipment) must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Additionally, see the following figure.



In this case, the connector (52) is capable of being connected to a monitoring equipment, and each of the plurality of individual wires of each of the plurality of cables (first cable and second cable) have an end terminating at the connector (52).

Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

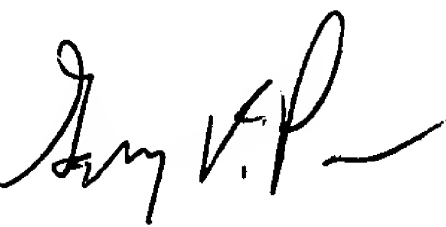
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (703) 308-0097. The examiner can normally be reached on Mon.-Fri., 8:00-5:00.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

ffr
November 26, 2002


Gary E. Hemen
Primary Examiner